

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MICHAEL SEAN SPEIGHT III,)
v.)
AMANDA KABELLEIN, MICHAEL)
KABELLEIN, NANCY KABELLEIN,)
JUDGE GEORGE PHELAN, and ERIC)
STEPHAN,)
Defendants.)
)

)) Civil Action No.
) 24-cv-12363-PBS

SCHEDULING ORDER

LEVENSON, U.S.M.J.

This Scheduling Order is intended to provide a reasonable timetable for discovery and motion practice in order to help ensure a fair and just resolution of this matter without undue expense or delay. See Fed. R. Civ. P. 1.

Timetable for Discovery and Motion Practice

Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(f), it is hereby ORDERED that:

1. **Initial Disclosures.** Initial disclosures required by Fed. R. Civ. P. 26(a)(1) must be completed by _____.
2. **Amendments to Pleadings.** Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after _____.
3. **Fact Discovery - Interim Deadlines.**
 - a. All requests for production of documents and interrogatories must be served by _____.
 - b. All requests for admission must be served by _____.

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- c. All depositions, other than expert depositions, must be completed by _____.
4. **Fact Discovery - Final Deadline.** All discovery, other than expert discovery, must be completed by _____.
5. **Status Conference.** A status/case management conference will be held on _____. At the conference, among other things, the Court will address whether it is appropriate to schedule a separate settlement conference, pursuant to Local Rule 16.1(f)(7).
6. **Expert Discovery.**
 - a. Trial experts for plaintiff(s) must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by _____.
 - b. Trial experts for plaintiff(s) must be deposed by _____.
 - c. Trial experts for defendant(s) must be designated, and the information contemplated by Fed. R. Civ. P. 26(a)(2) must be disclosed by _____.
 - d. Trial experts for defendant(s) must be deposed by _____.
7. **Dispositive Motions.**
 - a. Dispositive motions, such as motions for summary judgment or partial summary judgment, and motions for judgment on the pleadings, must be filed by _____.
 - b. Oppositions to dispositive motions must be filed within 21 days after service of the motion.
8. **Pretrial Conferences.** An initial pretrial conference will be held on _____ at _____ a.m./p.m. The parties shall prepare and submit a pretrial memorandum in accordance with Local Rule 16.5(d) five business days before the date of the conference, except that the parties need not include matters required by Local Rule 16.5(d)(2) or (3). The trial date will normally be set at the initial pretrial conference. A final pretrial conference will be scheduled at the time the trial date is set. The Court may also schedule interim pretrial conferences in appropriate cases.

Procedural Provisions

1. **Extension of Deadlines.** Pursuant to Local Rule 16.1(g), motions to extend or modify scheduling order deadlines will be granted only for good cause

shown. All motions to extend shall contain a brief statement of the reasons for the request; a summary of the discovery, if any, that remains to be taken; and a specific date when the requesting party expects to complete the additional discovery, join other parties, amend the pleadings, or file a motion.

2. **Discovery Disputes.** Prior to drafting or filing motions to compel discovery, motions for protective orders, motions to quash, motions to strike discovery responses, or similar discovery-related motions, counsel should contact the Court's courtroom deputy and request a brief consultation. The consultation will be conducted remotely (via Zoom) and will allow the Court to discuss the discovery dispute with the parties before counsel devotes significant time and resources to motion practice. If, after consultation, a party still wishes to file a discovery-related motion, such motions must be in time to allow response and ruling without extending the schedule for completion of discovery. If additional discovery is compelled by the Court after a relevant deadline has passed, the Court may enter additional scheduling orders.
3. **Protective Orders.** The Court will consider a joint motion proposing a protective order regarding discovery materials, if necessary. Counsel are reminded, however, that designating discovery material as confidential under a protective order is wholly separate from the question of whether such material, if included in a filing, will be shielded from public view. The public has a presumptive right of access to judicial documents, and any motion for leave to file material under seal will be carefully scrutinized. Counsel should review the Court's Standing Order Regarding Motions for Leave to File Under Seal and Stipulated Protective Orders.
4. **Reply Memoranda.** Parties need not seek leave of court to file a reply memorandum in response to an opposition to any motion, provided that such a reply memorandum does not exceed twelve pages, is double-spaced, and is filed within seven days (excluding intermediate Saturdays, Sundays, and legal holidays) after service of the opposition memorandum. Parties may otherwise file reply or surreply memoranda only with leave of court. When such leave is sought, the moving party may file the proposed memorandum with the motion for leave.
5. **Status Conferences.** The Court has scheduled a status conference after (or near) the close of fact discovery for case management purposes. Upon request of counsel, or at the Court's own initiative, additional status or case management conferences may be scheduled. Parties may request telephonic conferences where appropriate to avoid undue inconvenience or expense.
6. **Early Resolution of Issues.** The Court recognizes that, in some cases, resolution of one or more preliminary issues may remove a significant impediment to settlement or otherwise expedite resolution of the case. Counsel are encouraged to identify any such issues and to make appropriate motions at an early stage in the litigation.

7. **Pretrial Conferences.** Lead trial counsel must attend any pretrial conference.

By the Court,

Date

Deputy Clerk